

House File 208 - Introduced

HOUSE FILE 208

BY MITCHELL

A BILL FOR

1 An Act relating to text messages containing express advocacy,
2 and making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 68A.302, subsection 2, Code 2021, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. 1. Publication of a text message that
4 includes express advocacy, unless the person receiving the
5 text message has previously consented to receiving such text
6 messages from the person sending the text message.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill prohibits a candidate or candidate's committee
11 from using campaign funds to publish a text message that
12 includes express advocacy, unless the person receiving the
13 text message has previously consented to receiving such text
14 messages from the person sending the text message. Current law
15 defines "express advocacy" as a communication that is political
16 speech in the form of a contribution or that advocates for or
17 against a clearly identified candidate or ballot issue.

18 By operation of law, a person who violates a provision of the
19 bill is guilty of a serious misdemeanor. A serious misdemeanor
20 is punishable by confinement for no more than one year and a
21 fine of at least \$430 but not more than \$2,560.